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**Cc:** [Hayes Fuller](#); [John McCoy](#)  
**Subject:** RE: Letter re Retrieval of Personal Items fr West Fertilizer Site  
**Date:** Wednesday, June 19, 2013 3:00:09 PM  
**Attachments:** [image002.png](#)

The purported contents of the CD-R/DVD is consistent with earlier conversations with Mr. Kwast. If it can be determined that the contents of the CD-R/DVD are of personal information, the CSB would not object to allowing Mr. Kwast to regain possession of the material. Likewise, the CSB would not object to allowing Messrs. Roberts and Hackman obtain their personal effects under escort and documentation of the activity by Crane Engineering personnel.

Johnnie A. Banks, CFEI  
Team Lead



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**From:** Matt Rosek [mailto:mrosek@mllaw.com]

**Sent:** Wednesday, June 19, 2013 3:39 PM

**To:** Marc Young; 'Heather Charette'; MAZIZ@ABRAHAMWATKINS.COM; SANDY@THEAMLAWYERS.COM; BENNIE.MCILVEEN@FAIRMONTSSPECIALTY.COM; TDEES1@GMAIL.COM; CMARTINAPEX@YAHOO.COM; JTATOM@APT-RESEARCH.COM; JGREEN@ASHCRAFTLAW.COM; MPARFITT@ASHCRAFTLAW.COM; DOUGLAS.KUNZE@ATF.GOV; JOHN.SCOTT@TEXASATTORNEYGENERAL.GOV; QBAKER@BAKERRISK.COM; RBENNETT@BAKERRISK.COM; GSHELTON@BAKERRISK.COM; RMCCEE@THEBASSETTFIRM.COM; SMUNCEY@BERGERKAHN.COM; SSCARBROUGH@BMH-LAW.COM; JBOTELER@BMG-LAW.COM; JGATHERTON@AOL.COM; JBARR@BBARR.COM; MKUUSELA@BUTLERPAPPAS.COM; BOB.MIKELL@CARRIER.UTC.COM; JOHN.CAYIAS@MCTX.COM; ED@MCTX.COM; DRTHOMAS@CFINDUSTRIES.COM; Roland Gonzales; EWOTRING@CONNELLYBAKER.COM; Charles Keith; Holly Taylor; Matt Wilber; BRIAN\_MALARD@US.CRAWCO.COM; DADEFEN123@AOL.COM; MARK.FRAZIER@USDOJ.GOV; LE.MADELEINE@DOL.GOV; LEWIS.JEFFREY@DOL.GOV; RDESIMONE@DESIMONELAWOFFICE.COM; AHAHN@DS-LAWYERS.COM; RDUBOIS@DBCLLP.COM; EGRAY@ECKERTSEAMANS.COM; RHAFNER@ECKERTSEAMANS.COM; DAN\_DELLASALA@EFIGLOBAL.COM; LRIDDLE@LSB-OKC.COM; JENGVALLE@E-H-LAW.COM; JENGVALLE@ELHOUSTON.COM; HAYES.MARK@EPA.GOV; PJDAUM@ESI-IL.COM; RGERBER@EVANS-DIXON.COM; KATHY.SANFELIPE@FAIRMONTSSPECIALTY.COM; HAL.LYSON@FCAFIRE.COM; JOECONWILL@YAHOO.COM; ROBERT.COLLINS@GEBKLAWYERS.COM; KARL.KOEN@GEBKLAWYERS.COM; SCOTT.KIDD@GEBLAWYERS.COM; ROBERT.COLLINS@GEBKLAWYERS.COM; SGDAVIS@GEXCON.COM; DEREK.ENGEL@GEXCON.COM; FGAVELLI@GEXCON.COM; PCHINZE@GEXCON.COM; RICKY@GRONESENVIRONMENTAL.COM; PGAREIS@GHLAW-LLP.COM; KMOSLEY@GHLAW-LLP.COM; WPICKETT@GHLAW-LLP.COM; ATHAKRAR@GHLAW-LLP.COM; MGROTEFELD@GHLAW-LLP.COM; JOHN@THETRIALLAWYERS.COM; STEPHEN@THETRIALLAWYERS.COM; ZOLLIE@THETRIALLAWYERS.COM; COPLEYC@HELENACHEMICAL.COM; COXD@CLASSICNET.NET; BRISTERE@HELENACHEMICAL.COM; JKCLICK@HHKLAWFIRM.COM; TWOODS@HHKLAWFIRM.COM; FHERRERA@HERRERALAW.COM; CAT@HMGLAWFIRM.COM; CPINEDO@HMGLAWFIRM.COM; DONPJONES@GMAIL.COM; JOE.SEMENS@IBSA.COM; CEFALANY@SHEPHERDENGINEERS.COM; RMEIER@KENNEDY-FIRE.COM; KSMITH@KENNEDY-FIRE.COM; LSMITH@KELLYSMITHPC.COM; PKENNEDY@KENNEDY-FIRE.COM; SCOTT@KRWLAWYERS.COM; RCOX@KODIAKCONSULTING.COM; DAVEWILLIAMS.LEE@YAHOO.COM; CURTIS@WHITNEYFANNING.COM; TJH@THOMASJHENRYLAW.COM; JBAIRD@LOKICONSLT.COM; JCARVER@LSB-OKC.COM; DRILEY@LWGCCONSULTING.COM; RTORRES@LWGCCONSULTING.COM; NRYMER@RMJELAW.COM; MMCDONALD@MSSM-LAW.COM; JSHOWERS@MSSM-LAW.COM; RSCHUSTER@MWL-LAW.COM; GWICKERT@MWL-LAW.COM; SALMETER@MCCATHERNLAW.COM; PGRINKE@MCCATHERNLAW.COM; DMAYS@MCCATHERNLAW.COM; E.BENSTOCK@MCDOWELLOWENS.COM; R.BONYATA@MCDOWELLOWENS.COM; N.CAMARA@MCDOWELLOWENS.COM; J.CUNAG@MCDOWELLOWENS.COM; M.MATHERNE@MCDOWELLOWENS.COM; J.MCDOWELL@MCDOWELLOWENS.COM; D.NOLEN@MCDOWELLOWENS.COM; E.REYES@MCDOWELLOWENS.COM; R.SIMMONS@MCDOWELLOWENS.COM; Michael D. Aiken; MMORAN@MUNCKWILSON.COM; CBM@MUSSLEWHITE-LAW.COM; CAMPBELL@NAMANHOWELL.COM; FULLER@NAMANHOWELL.COM; TJH@OTSC.TAMU.EDU; BLJ@OTSC.TAMU.EDU; JRS@OTSC.TAMU.EDU; RBS@OTSC.TAMU.EDU; RECTOR.JACK@DOL.GOV; OWENSENG@ATT.NET; DODARTM@PHELPS.COM; TALLEYP@PHELPS.COM; SFERGUSON@CHADPINKERTON.COM; BROBERTS@CHADPINKERTON.COM; JROMIG@PONDEROSA-ASSOC.COM; INFO@IDC-PBS.COM; PDAWACO@PDAORG.NET; ZJONES@PULF.COM; THOMAS.SING@QUESTFIREANALYSIS.COM; LADON@MECWB.COM; RANDY@ROBERTSLAWFIRM.COM; BBOZE@RMJELAW.COM; DONH@SAFETYENGINEERINGLABS.COM; MBERRY@SAMMONS-BERRY.COM; ABAINBRIDGE@SEALIMITED.COM; MMULCAHY@SEALIMITED.COM; JOH@WACOATTORNEYS.COM;

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**Cc:** Hayes Fuller; John McCoy

**Subject:** RE: Letter re Retrieval of Personal Items fr West Fertilizer Site

To all,

From Adair's personal counsel on the personal property removal.

Don't expect to find any fertilizer records or information. We will preserve info on the computers (although I believe they are not work computers and contain only personal information). The family is most interested in recovering family photos etc. Everything they hope to pick up is stuff the various agencies deemed so unimportant they never took possession of it to begin with.

Matthew R. Rosek-Partner

**McCOY LEAVITT LASKEY LLC**

[mrosek@mlllaw.com](mailto:mrosek@mlllaw.com)

262-522-7022

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**From:** Marc Young [<mailto:MYoung@cbylaw.com>]

**Sent:** Wednesday, June 19, 2013 11:28 AM

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**Cc:** Hayes Fuller

**Subject:** RE: Letter re Retrieval of Personal Items fr West Fertilizer Site

Matt,

I have no problem with the personal items being given to the employees. It is the business records I would like to protect.



*Marc A. Young*

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**Cc:** Hayes Fuller

**Subject:** RE: Letter re Retrieval of Personal Items fr West Fertilizer Site

To all,

Most of the materials that will be removed from the grain office building are personal items; pictures, CD's containing pictures, etc. I propose we allow the materials to be removed and we will have Crane box those materials up until the parties on the site have a chance to look at it and advise if they want anything copied.

The primary purpose of removing those items from the grain office building is to prevent the deterioration/destruction of those items.

Matthew R. Rosek-Partner

**McCOY LEAVITT LASKEY LLC**

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**From:** Marc Young [<mailto:MYoung@cbylaw.com>]

**Sent:** Wednesday, June 19, 2013 10:33 AM

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**Subject:** RE: Letter re Retrieval of Personal Items fr West Fertilizer Site

I have called and spoken to John McCoy regarding the contents of the CD's/DVD's which he is requesting be removed from the site. I advised that I objected to the removal of anything which might identify the source of any of the fertilizer products which were on site at the time of the accident. He said he would get with his client to find out more about what is on the discs. I advised that I thought the discs should at the very least be copied and the originals held by Crane. He said he would get back to me.



*Marc A. Young*

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**From:** Heather Charette [<mailto:heatherc@craneengineering.com>]  
**Sent:** Wednesday, June 19, 2013 9:18 AM  
**To:** [MAZIZ@ABRAHAMWATKINS.COM](mailto:MAZIZ@ABRAHAMWATKINS.COM); [SANDY@THEAMLAWYERS.COM](mailto:SANDY@THEAMLAWYERS.COM);

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**Subject:** Letter re Retrieval of Personal Items fr West Fertilizer Site

Please review the attached letter to all Counsel and Interested Parties. Unless there are any objections, Crane Engineering personnel will be escorting Messrs. Roberts, Hackman and Kwast to retrieve their personal items from the West Fertilizer site.

Sincerely,

Heather C. Charette  
Legal Services Project Coordinator  
Crane Engineering  
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This Email message contained an attachment named  
image001.jpg  
which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

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